

CITY OF MUSKEGON
PLANNING COMMISSION
REGULAR MEETING
MINUTES

May 12, 2005

Chairman J. Aslakson called the meeting to order at 4:06 p.m., and roll was taken.

MEMBERS PRESENT: J. Aslakson, L. Spataro, B. Turnquist, B. Mazade, T. Michalski, B. Smith

MEMBERS ABSENT: T. Johnson, excused; S. Warmington, excused; T. Harryman, excused

STAFF PRESENT: M. Cameron, D. Leafers

OTHERS PRESENT: Dr. Bill Pals, 1703 W. Sherman; E. Winicki, 1826 Crowley; D. Wotli, 3133 Country Club Dr; B. Vandermolen, 688 W. Dale; J. Bishop, 696 W. Dale; D. Christenson, 1144 Green St.

APPROVAL OF MINUTES

A motion to approve the minutes of the regular meeting of April 14, 2005 was made by B. Mazade, supported by T. Michalski and unanimously approved.

PUBLIC HEARINGS

Hearing; Case 2005-16: Staff-initiated request to amend Section 1101 of Article XI (B-2, Convenience and Comparison Business Districts) to add “veterinary clinics without outdoor kennels” under Special Land Uses M. Cameron presented the staff report. Presently the only zoning that allows veterinary clinics without outdoor kennels as a principal use or as a special use, is the B-4, General Business zone. Since a request has been made to locate a veterinary clinic without outdoor kennels in an existing building at 1550 W. Sherman Boulevard, staff has investigated whether it makes sense to include this type of business under Special Uses in a B-2 zone. Since the preamble to the B-2 zoning district language states that “All business establishments shall be retail or service establishments dealing directly with consumers...”, it seems that a veterinary clinic without outdoor kennels meets this criteria.

A motion to close the public hearing was made by T. Michalski, supported by L. Spataro and unanimously approved.

A motion that an amendment to Section 1101 of Article XI (B-2. Convenience & Comparison Business, SPECIAL USES PERMITTED) to add “veterinary clinics without outdoor kennels” under Special Land Uses be recommended for approval to the City Commission, was made by L. Spataro, supported by T. Michalski and unanimously approved.

Hearing; Case 2005-14 Request for a special land use permit per section 1101 (12) of the Zoning Ordinance, to allow a veterinary clinic without outdoor kennels in a B-2, Convenience and Comparison zoning district at 1550 W. Sherman Boulevard, by PHP Real Estate for Clarke Animal Hospital M. Cameron presented the staff report. A commercial fireplace and wood stove storefront previously occupied the building. It has been vacant since the previous use went out of business a couple of years ago. The property to the north on Montague Street is zoned R-1, and there is a house located immediately behind this site. The property to the west and east is zoned B-2, and across the street to the south is the City of Roosevelt Park. The applicant would like to purchase the property to relocate his veterinary clinic from 1703 W. Sherman Blvd. in Norton Shores. No outdoor kennels would be associated with this clinic. The applicant has submitted a site plan showing that they have adequately paved parking already existing on the site. According to the parking standards, however, it must be marked and defined by curb stops. Staff received a call from Judy Gerdes, 1531 Montague (located directly behind 1550 W. Sherman). She is opposed to the request. She cited concerns regarding the noise from dogs housed overnight at the facility.

B. Pals thanked the Commission for their help with this relocation. He stated he lived directly behind an animal hospital for many years and was never bothered by noise from animals housed overnight. He stated that any animals kept overnight would most likely sleep, and he expected no problems with noise from the proposed facility.

A motion to close the public hearing was made by T. Michalski, supported by B. Smith and unanimously approved.

A motion that the request for a special land use permit, per section 1301(7) of the Zoning Ordinance, to allow a veterinary clinic without outdoor kennels in a B-2 zoning district at 1550 W. Sherman Blvd., be approved based on compliance with the City's Master Land Use Plan and conditions set forth in Section 2332 of the City of Muskegon Zoning Ordinance, with the following conditions: 1) final approval by City Commission of the addition of veterinary clinics without outdoor kennels as a special land use in a B-2 zoning district, 2) the special land use permit shall become null and void within one year of the public hearing if the use has not been established or condition #1 has not been met, and 3) the Special Land Use permit document shall be recorded with the register of deeds prior to occupying the building, was made by T. Michalski, supported by B. Turnquist and unanimously approved.

Hearing; Case 2005-18: Request to rezone the property located at 190 Wood Street from RM-1, Low Density Multiple-Family Residential to I-2, General Industrial, by Don Balcom.

Applicant requested to table this case because Mr. Balcom's attorney was ill and could not attend the meeting.

A motion to table this case until next month and to re-notice area residents, was made by L. Spataro, supported by B. Smith and unanimously approved.

OLD BUSINESS

Hearing; Case 2005-15 Staff-initiated request to rezone multiple properties in the portion of the City known as Area 12, bounded generally by Laketon Ave., Glade St., 9th St., Western Ave., Lakeshore Dr., Southern Ave., and Franklin St. M. Cameron presented the staff report. This case is a continuation of the “blight fight” effort begun by the City Commission in 2002. So far we have rezoned the areas known as Area 10, Area 10b, Area 11 and Area 11b. The current target area for the blight fight effort is labeled “Area 12”, and encompasses the area bounded by Laketon Ave., Glade St., 9th St., Western Ave., Lakeshore Dr., Southern Ave., and Franklin St. The area contains approximately 700 parcels. Staff has conducted a land use survey and sent out letters to property owners asking them to verify that the land use we have on record for their property is correct. Based on the land use survey and Master Plan recommendations for this area, staff is proposing to rezone many of the parcels in Area 12. A mailing has been sent to every property owner and tenant of record, both within Area 12 and within 300 feet of the boundaries of Area 12, informing them that this rezoning is being proposed and discussed by the Planning and City Commissions. Approximately 1,200 letters were sent out in this rezoning effort. The current zoning of many of the residential properties within Area 12 is either R-1, Single-Family Residential, RT, Two-Family Residential, RM-1, Low Density Multiple-Family Residential, or B-4, General Business. There are also small areas of I-1, Light Industrial and I-2, General Industrial on the northern boundaries of the area. The land use survey shows that although there are some existing multi-family dwellings within the area, the majority of residential properties do contain single-family homes. Therefore, staff is proposing to rezone all of the RT residential properties to R-1, Single Family Residential, while the RM-1, Low Density Multi-Family areas west of Hudson Street and north of Washington St. would be rezoned to RT, Two-Family Residential. The only change proposed to the B-4, General Business zone involves the property located at 1776 Division Street, where a parcel containing a single-family structure currently has two separate zonings, RT and B-4. Staff proposes to rezone the entire parcel to R-1, Single Family Residential.

There is currently an area of industrial zoning on the northern border of Area 12. It contains both I-1 (Light Industrial) zoning and I-2 (General Industrial) areas. The I-1 district includes the Watermark project and currently is being redeveloped under a PUD. The I-2 districts include C.W. Marsh, a warehouse building across Division Street from the WaterMark, and some other small industrial uses. No changes are proposed for these properties. Staff has amended the proposed zoning map for the area according to feedback received from the Planning Commission at the April 12th meeting. Maps for the amended proposed zoning for Area 12 were provided to the Commission members.

E. Winicki was opposed to the request. He owns a vacant lot at 1766 Beidler where a building burned down several years ago. He wanted it to remain commercial. L. Spataro asked staff if that parcel was currently zoned RT, not commercial. M. Cameron stated RT was correct. L. Spataro explained to E. Winicki that his property was not currently zoned for commercial use, and regardless of whether or not this rezoning was approved, he would have to obtain a variance for commercial use of the property. Although there was a commercial use there previously, because the property was vacant for more than two years, the use has reverted to RT. T. Michalski asked if Mr. Winicki had any immediate plans for the use of that property. E. Winicki stated he had no current plans for it, but at some point he would want to be allowed to develop it for commercial use. D. Wotli owns the property at 1724 Beidler and was opposed to the rezoning. He stated the city has done an excellent job fighting blight, but felt that this was a case of government going above and beyond what is necessary. He stated this stretch of Beidler was a commercial district and felt it should not be rezoned to single family. L. Spataro stated the property was currently zoned RT, and all those commercial properties are non-conforming. He stated none of those business owners have

approached the City for rezoning. As long as they aren't vacant over two years or destroyed over 50%, they can continue operating as they are now. B. Vandermolen owns a home in the area and was in favor of the rezoning. He stated the neighborhood was improving and felt that rezoning to R-1 would help that continue. J. Bishop owns a home in the area and is in favor of the rezoning. She didn't want to see more homes being divided up into apartments. She felt that home ownership made better neighbors because people are not moving in and out all the time, and you can get to know the people around you. She stated many of the commercial buildings are sitting vacant. D. Christenson owns a four-plex at 1543 Beidler. He asked if he would be able to rebuild if his building burned down. L. Spataro said not as a four-plex, but since the zoning was currently RT, it wouldn't be allowed, regardless of the proposed new zoning. J. Bishop stated she talked to many neighbors and all of them were in favor of the downzoning. She was willing to get a petition signed stating so, if needed.

A motion to close the public hearing was made by L. Spataro, supported by T. Michalski and unanimously approved.

L. Spataro stated he attended the Nims Neighborhood meeting recently and all 24 residents there were in favor of the rezoning. B. Turnquist stated there seem to be the wrong type of buildings (commercial) on Beidler. He asked if they could remain commercial use if they were sold. M. Cameron stated they could. B. Turnquist stated that since they were discussing blight, he wanted to know if the dirt portion of Henry St. would ever be paved. B. Mazade stated the City would like to improve it but there were issues with the railroad right-of-way and the street width. At some point it will be improved, but there is no time frame.

A motion that the request to rezone the properties as shown on the proposed map, from various zoning designations to new designations as proposed by the Planning Commission at the April 14, 2005 meeting be recommended for approval to the City Commission pursuant to the City of Muskegon Zoning Ordinance, and the determination of compliance with the intent of the City Master Land Use Plan and zoning district intent was made by L. Spataro, supported by B. Smith and unanimously approved.

L. Spataro advised E. Winicki and D. Wotli that if they wanted to pursue the commercial zoning for the Beidler St. corridor, they could contact the area property owners to sign a petition and submit it to the Planning Commission.

NEW BUSINESS

None

OTHER

Work Plan

A motion to table discussion of the work plan until next month's meeting was made by T. Michalski, supported by L. Spataro and unanimously approved.

Wilcox St.

B. Mazade updated Commission members on a property on Wilcox St. that came before the PC previously. He stated that the property owners have done more work than what was approved, and have one house partially torn down. The City is now working with them to make sure they're meeting all other City requirements. M. Cameron stated there are a number of variances that would be required.

There being no further business, the meeting was adjourned at 5:00 p.m.

dml
5/12/05